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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,591	03/12/2001	Ulf Ahlfors	3964-15	1901
7590	09/07/2004		EXAMINER FERRIS, DERRICK W	
Donald L. Bartels Coudert Brothers LLP Two Palo Alto Square 3000 El Camino Real, Fourth Floor Palo Alto, CA 94306-2121			ART UNIT	PAPER NUMBER
			2663	
DATE MAILED: 09/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,591

Applicant(s)

AHLFORS ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 3 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 4-10, and 12-18** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0136230 A1 to *Dell et al.* (“*Dell*”).

As to **claim 1**, “set a flag of all queues to a first value (enabled)” is taught in reference to figure 5 by setting the “counter reset” flags, see e.g., page 7, paragraph 0056. “Polling all queues in order” is shown in a first pass in the left-hand side of figure 5. In particular, “if the polled queue contains data, refill a deficit value indicating a maximum amount of data that might be sent from the queue” is taught e.g., at step 501. “If the deficit value permits, then set a flag of the queue as a second value (active), send data, and decrease the deficit value a corresponding amount for the polled queue” is taught e.g., at step 506 in reference to page 7, paragraph 0054, lines 8-10. “Else set a flag of the queue as a third value (disabled)” is taught e.g., as step 507. “If any queue is active after all the queues have been polled, go to a local round, else set a flag of all queues as a[n] enabled and start polling the first queue of the order again” is taught e.g., as the right-hand side of figure 5, e.g., see step 511.

As to **claim 2**, “polling all queues in order” is taught e.g., in the right-hand side of figure 5. “[I]f the polled queue is enabled, check for any data to be sent and refill the deficit value, if applicable, and set the flag to one of the three values as above, and send data, and decrease the deficit value a corresponding amount, if applicable” is taught in the left-hand column of figure 5. “[I]f the polled queue is disabled”, just poll the next queue is implicitly taught as part of step 511. “[I]f the polled queue is active, check the deficit and if the deficit value permits, check for any data to be sent and send data, and decrease the deficit value a corresponding amount, if applicable” is taught e.g., as steps 513, 515, and 516. “[E]lse set the flag to the value disable” is taught e.g., as step 514. “[I]f any queue is active after all the queues have been polled, go to a new local round, else set a flag for all queues as a[n] enabled and start polling the first queue of the order again” is taught e.g., as part of steps 517, 518, and 502.

As to **claim 4**, see paragraph 0055 on page 7 with respect to weighted.

As to **claim 5**, see e.g., step 505 where 0 is a constant.

As to **claims 6-7**, see e.g., step 506 in reference to page 7, paragraph 0054 lines 8-10.

As to **claim 8**, limitation is taught as part of WRR, see e.g., page 1, paragraph 008.

As to **claim 9**, see similar rejection to claim 1.

As to **claim 10**, see similar rejection to claim 2.

As to **claim 12**, see similar rejection to claim 4.

As to **claim 13**, see similar rejection to claim 5.

As to **claim 14**, see similar rejection to claim 6.

As to **claim 15**, see similar rejection to claim 7.

As to **claim 16**, see similar rejection to claim 8.

As to **claim 17**, see similar rejection to claim 1.

As to **claim 18**, see similar rejection to claim 1.

Allowable Subject Matter

3. **Claims 3 and 11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DWF

Derrick W. Ferris
Examiner
Art Unit 2663


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 9/2/04